

EXPANDED AGENDA
Board of Adjustment, District 3
Tuesday, October 9, 2012
J.P. Courtroom, County Service Center
126 W. 5th Street, Benson, Arizona

6:30 P.M. Call to Order

Roll Call (Introduce Board members, and explain quorum)

(Also explain procedure for public hearing, i.e., after Planning Director's Report, Applicant will be allowed 10 minutes; other persons will each have 5 minutes to speak and Applicant can have 5 minutes for rebuttal at end, if appropriate.)

Determination of Quorum

Approval of Previous Minutes

NEW BUSINESS

Item 1 - Introduce Docket and advise public who the applicants are.

Public Hearing, Docket BA3-12-09 (Perryman): The Applicant seeks to establish two retail sales businesses in an existing building: ("Pro Tech Scuba") and a retail sales/office ("Your Space") on North 6th Street in Sierra Vista, and is requesting ten Variances to site development standards per the Cochise County Zoning Regulations as follows:

Section 1804.07.B (to allow existing gravel on parking/driveways); 1804.06.F.3 (driveway width); 1804.05 (minimum required parking – 17 required, 12 proposed); 1804.06.D (access to parking from street); 1804.09 (aisle width for back-up area from parking); 1804.10 (loading zone); 1203.02 and 1803.01 (minimum setbacks); 1203.04 (minimum distance between principal structures); and 1806 (landscaping).

The subject parcels (Parcel # 106-70-099 and 106-70-100) are located at 100A-B-C and 102-A-B North 6th Street in Sierra Vista, AZ.

The Applicant is Dave Perryman.

- Call for PLANNING DIRECTOR'S PRESENTATION
 - Declare PUBLIC HEARING OPEN
 - 1) Call for APPLICANT'S STATEMENT
 - 2) Call for COMMENT FROM OTHER PERSONS (either in favor or against)
 - 3) Call for APPLICANT'S REBUTTAL (if appropriate)
 - Declare PUBLIC HEARING CLOSED
 - Call for BOARD DISCUSSION (may ask questions of Applicant)
 - Call for PLANNING DIRECTOR'S SUMMARY AND RECOMMENDATION
 - Call for MOTION
 - Call for DISCUSSION OF MOTION
 - Call for QUESTION
 - ANNOUNCE ACTION TAKEN (with Findings of Fact)
-

Item 2: Call for Planning Director's Report

Item 3: Call to the Public

ADJOURN



COCHISE COUNTY COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

MEMORANDUM

TO: Cochise County Board of Adjustment, District 3

FROM: Dora V. Flores, Permit and Customer Service Coordinator

For: Beverly Wilson, Deputy Director, Planning Division

SUBJECT: Docket BA3-12-09 (Perryman)

DATE: September 27, 2012, for the October 9, 2012 Meeting

APPLICATION FOR A VARIANCES

Docket BA3-12-09 (Perryman): The Applicant seeks to establish two retail sales businesses in an existing building: ("Pro Tech Scuba") and a retail sales/office ("Your Space") on North 6th Street in Sierra Vista, and is requesting ten Variances to site development standards per the Cochise County Zoning Regulations as follows:

Section 1804.07.B (to allow existing gravel on parking/driveways); 1804.06.F.3 (driveway width); 1804.05 (minimum required parking – 17 required, 12 proposed); 1804.06.D (access to parking from street); 1804.09 (aisle width for back-up area from parking); 1804.10 (loading zone); 1203.02 and 1803.01 (minimum setbacks); 1203.04 (minimum distance between principal structures); and 1806 (landscaping).

The subject parcels (Parcel # 106-70-099 and 106-70-100) are located at 100A-B-C and 102-A-B North 6th Street in Sierra Vista, AZ. They are further described as being situated in Section 34 of Township 21, Range 20 East of the G&SRB&M, in Cochise County, Arizona.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING USES

Size: 16,800-sq. ft. (0.38 Acres)

Zoning: GB (General Business)

Growth Area: Category A (Urban Growth Area)

Plan Designation: Enterprise Redevelopment

Area Plan: Sierra Vista Sub-Watershed

Existing Uses: Four Unoccupied Suites and One Occupied Apartment

Proposed Uses: Retail Sales, Retail Sales/Office and future Retail Sales/Future Warehouse

Surrounding Zoning

Relation to Subject Parcel	Zoning District	Use of Property
North	GB	Auto Repair - Commercial
South	GB	Auto Repair & Retail Sales – Commercial
East	GB	North 6 th Street Church – Commercial
West	GB	Contract Construction - Commercial

II. PARCEL HISTORY

There is a 5,000-sq. ft. building on the subject parcels. The original building was constructed in 1961 and an addition was constructed in 1973. The building was constructed prior to permits being required in the County. The building has been assessed as retail, but has been vacant for many years. To date, our Department does not have any records or permits for the establishment of any businesses in this building.

In 2004, a temporary use permit was issued for a “motorcycle event” for a weekend gathering.

III. PROJECT DESCRIPTION

The Applicant proposes to rent two of the five suites in the building. We currently have two pending permits for two of the suites in the building: one for retail sales (“Pro Tech Scuba”) and a retail sales/office (“Your Space”). The building also includes an apartment that is currently occupied. The Applicant anticipates renting the two remaining suites for retail sales or warehousing in the future.



Above: View from across North 6th Street from the East.

IV. ANALYSIS OF IMPACTS

The project site is within an area designated as Enterprise Redevelopment on the Comprehensive Plan map. The Department has typically recommended approval of Variances and Waivers in the Enterprise Redevelopment areas, including the Fry Townsite, as a “business friendly” strategy aimed at encouraging development.

During the site visit, staff observed that there are structures/businesses, on neighboring properties that follow similar development patterns (not having defined driveways, landscaping, setbacks, etc.). Based on this observation, it would thus appear that the proposed businesses would not be dissimilar or out of character with other business establishments in the vicinity. Staff has no concerns or issues with the Variances requested, which would legitimize the existing site conditions on this property. This includes all of the Variances under consideration, including landscaping, driveway, parking requirements, loading zone, and setbacks.

The Planning Division does have one concern regarding this property, and that is ensuring that future tenants or the owner do not have to re-apply for Variances should the use change in a different tenant space. For instance, if one of the other retail spaces on the parcel were to change uses, thus requiring a new use permit, staff’s position is that the new use should not have to go through a new Variance process. Staff therefore recommends a condition of approval that would make it clear that the Variances considered for this Docket would 1) apply to the entire parcel, including all tenant spaces regardless of use, and 2) be granted in perpetuity for any and all uses on the parcel, so long as those land uses are permitted principal uses in a GB District. Should the Board adopt this condition, the Planning staff would ensure that the parcel records are updated to reflect the approval of the Variances. The condition would apply to any new uses as long as such uses are permitted in the GB District; a Special Use Permit or rezoning would be the trigger for future reviews for site development standard compliance.

V. PUBLIC COMMENT

The Department mailed notices to neighboring property owners within 300 feet. Staff posted the property on September 7, 2012 and published a legal notice in the Bisbee Observer on September 13, 2012. To date, the Department has received one letter of support for the Variance request.

VI. Summary and Conclusion

Factors in Favor of Allowing the Variances and Waivers

1. Granting the requested Variances to the parking standards, landscaping, setback, and loading zone requirements would not produce or exacerbate any off-site impacts.
2. The project site is within an area designated as Enterprise Redevelopment in the Comprehensive Plan, where a relaxation of site development standards has been deemed an acceptable means of stimulating development.
3. Staff received one statement of support from a neighboring property owner.

Factor Against Approval

None Apparent.

VII. RECOMMENDATIONS

Based on the Factors in Favor of Approval as Findings of Fact, Staff recommends **approval** of each of the ten Variances as requested, subject to the following condition:

1. The Variances granted for Docket BA3-12-09 shall apply to the entire site including parcels 106-70-099 and 100, and all the structures and uses thereon, for all current and future uses, so long as such uses are classified as principal permitted uses in a General Business Zoning District.

Sample Motion: Mr. Chair, I move to approve Docket BA3-12-09, granting each of the ten Variances as requested by the Applicant, with the condition of approval recommended by staff; the Factors in Favor of approval constituting the Findings of Fact.

VIII. ATTACHMENTS

Variance Application

Location Map

Site Plan

Public Comment



COMMUNITY DEVELOPMENT DEPARTMENT

Planning, Zoning, and Building Safety
1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240
Fax 432-9278

BA 3-12-09

APPLICATION FOR VARIANCE

DESIRING A VARIANCE FROM THE TERMS OF THE COCHISE COUNTY ZONING REGULATIONS:

TO THE HONORABLE BOARD OF ADJUSTMENT, DISTRICT 3

I (we), the undersigned, hereby petition the Cochise County Board of Adjustment, District 3 to grant a variance from the terms of the Cochise County Zoning Regulations as follows:

(Note: Complete all the following items. If necessary, attach additional sheets.)

1. Parcel Number: 106-70 099/100
2. Address of parcel: 100 + 102 N. 6th St.
3. Area of Parcel (to nearest tenth of an acre): 8400 ft + 8400 ft
4. Zoning District designation of Parcel: MB
5. Describe existing uses of the parcel and the size and location of existing structures and buildings on it. General Business
6. Describe all proposed uses or structures, which are to be placed on the property. Retail Sales / General Business

7. State the specific nature of the variance or variances sought.

1203.02 - Setbacks - South setback is 0';
1803.01 - bldg sits in setback; 1203.04 bldg is 8'
from bldg to north; 1804.05 required number of parking
spaces; only room for 11 regular spaces + 1 handicap space;

8. A variance may be granted only when, due to any peculiar situation surrounding a condition of a specific piece of property, including unusual geographic or topographic conditions, strict application of the Zoning Regulations would result in an unnecessary hardship to the property owner. In granting variances, however, the general intent & purpose of the Zoning Regulations will be preserved (See attached Section 2103.02 on variances). Describe the reasons for requesting the variance and attach any documents necessary to demonstrate compliance with the provisions cited above.

Property was ~~pre~~ built per zoning and CAN
NOT meet current zoning Regs

9. State why the variance would not cause injury to or impair the rights of surrounding property owners. Identify conditions you propose, if any, to minimize the impact on surrounding properties. It shall be the responsibility of the Applicant to submit any studies and/or data necessary to demonstrate the effectiveness of the alternative conditions.

present Parking Area has been the same
for 35 years.

1804.06.D - parking is accessed directly from street;
1804.06.F - Driveway is not defined and therefore has no width;
1804.07B - requesting existing parking area surface remain;
1806 - requesting waiver from landscaping requirement;
1804.10 Loading zone requirement
1807.02

10. List the name and address of all owners of the Parcel(s) for which the variance is sought.

PROPERTY OWNER

MAIL ADDRESS

DAVE PERRYMAN 2424 EL CAMINO REAL
S.W. AZ 85635

The undersigned hereby certifies and declares that to the best of his/her knowledge and belief the data submitted on and attached to this application for a variance from the terms of the Cochise County Zoning Regulations are true and correct.

SIGNATURE OF PETITIONER

ADDRESS

DATE

Dave Perryman 2424 EL CAMINO REAL, S.W. 8/15/12

APPLICANT'S PHONE NUMBER

520-458-2963

APPLICANT'S EMAIL ADDRESS

SAME AS ABOVE

Note: Each application shall be accompanied by an accurate site plan showing the parcel of land and the existing and proposed structures and buildings on it, and shall be accompanied by a check in the amount of three hundred dollars (\$300) payable to the Cochise County Treasurer. Return to the Cochise County Planning Department, 1415 Melody Lane, Building E, Bisbee, Arizona, 85603.

2103.02 Variances

The Board of Adjustment may grant a variance from the terms of these Zoning Regulations when, owing to peculiar conditions, a strict interpretation would work an unnecessary hardship, if in granting such variance the general intent and purposes of the Zoning Regulations will be preserved. It shall be the responsibility of the applicant to submit any studies and/or data necessary to demonstrate the effectiveness of the alternative conditions.

These zoning regulations are generally intended to yield results that are in compliance with all other applicable laws. A request for a "reasonable accommodation" in these regulations, pursuant to any federal or state housing law or other similar legislation, as may be necessary to afford an equal opportunity to housing under any such law, shall be considered to be an appropriate condition for a variance from the strict application of these zoning regulations. The Board of Adjustment is authorized to grant any such variance, to the extent that any such accommodation is required pursuant to any applicable state or federal law.

Any decision of the Board of Adjustment allowing a variance shall be considered for revocation by the Board of Adjustment if substantial construction, in accordance with the plans for which such variance was granted, has not been initiated within 12 months of the date of approval, building permit issuance, or if judicial proceeding to review the Board of Adjustment's decision has been instituted, 12 months from the date of entry of the final order in such proceedings, including appeals. Additionally, if any of the conditions of the variance approval are not complied with within 12 months or within the time period set by the Board, it shall be revoked after 30 days notice to the owner and applicant, unless a request for a review hearing before the Board of Adjustment is made by the applicant within this 30 day appeal period. The Board of Adjustment may grant reasonable extensions to the time limits upon a hearing pursuant to a timely written request by the applicant.

N 5TH ST

N 6TH ST

SUBJECT PARCELS

FRY BLVD

Legend

- Roads Text Small (11)
- Parcels
- Search Polygon



106-70-099/100

BA3-12-09

Dave Perryman

This map is a product of the
Cochise County GIS



0' 1" = 100'

CITY DRAINAGE

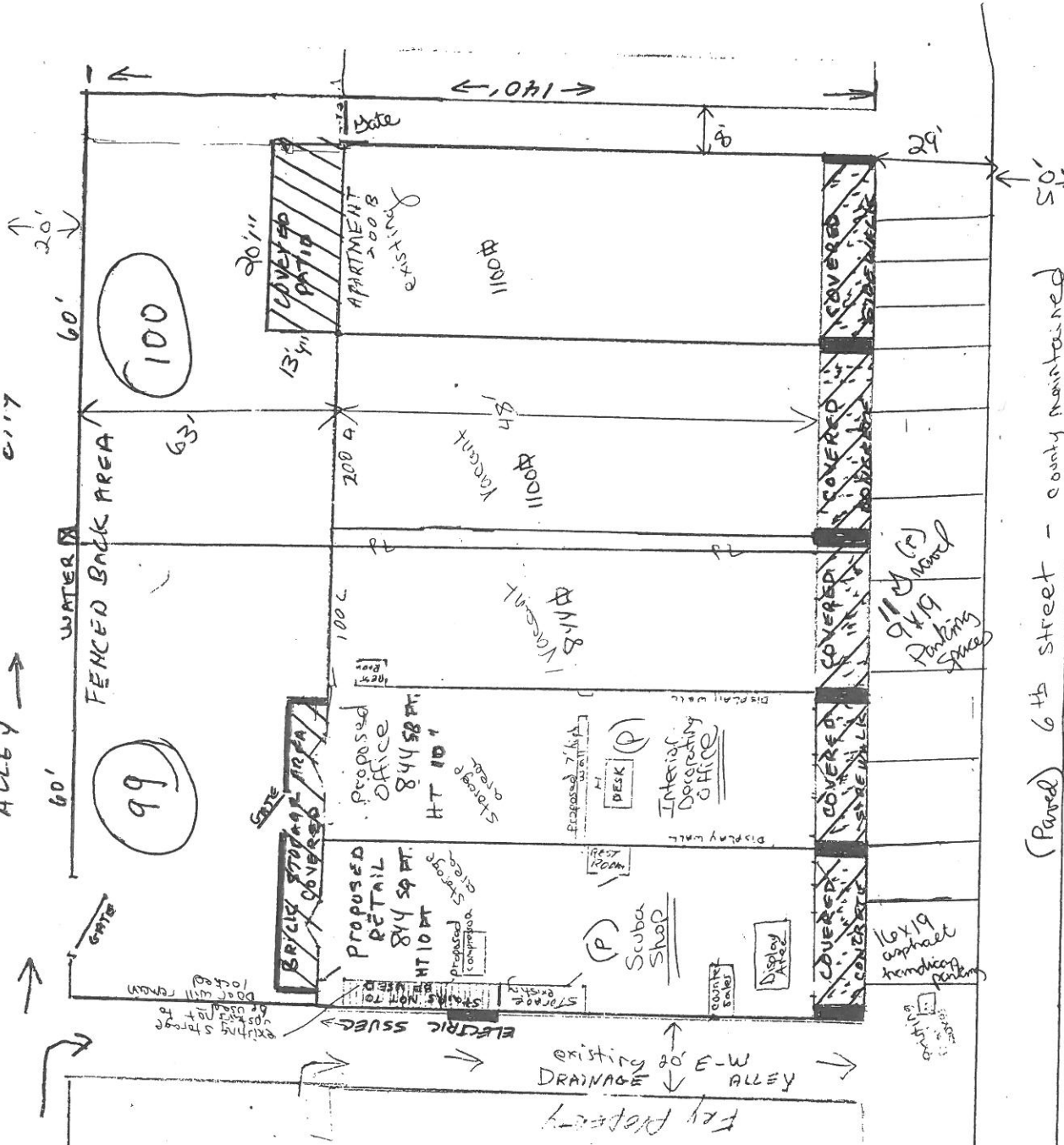
ALLEY → CITY

106-70-099/100

houses 300'

8/15/12

ND
Davenport



(Paved) 6th street - county maintained

Variance: Docket BA2-12-09 (Perryman)

COCHISE COUNTY

SEP 18 2012

PLANNING



YES, I SUPPORT THIS REQUEST

Please state your reasons:

seems like a good use for the space, having
no negative impact on my property.

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

(Attach additional sheets, if necessary)

PRINT NAME(S):

Robert G Willis

SIGNATURE(S):

Robert G Willis

106-70-137D

YOUR TAX PARCEL NUMBER: 106-70-133 (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Board of Adjustment Dist 3. Upon submission this form or any other correspondence becomes part of the public record and is available for review by the applicant or other members of the public. To ensure adequate review time by members of the Board, this form is due to our Department by Monday, September 24, 2012.

RETURN TO: Dora Flores, Permit and Customer Service Coordinator
Cochise County Planning Department
1415 Melody Lane, Building E
Bisbee, AZ 85603